

LEGISLATIVE AUDIT DIVISION

Scott A. Seacat, Legislative Auditor
John W. Northey, Legal Counsel
Tori Hunthausen, IT & Operations Manager



Deputy Legislative Auditors:
Jim Pellegrini, Performance Audit
James Gillett, Financial-Compliance Audit

TO: Legislative Audit Committee Members

FROM: Jim Pellegrini, Deputy Legislative Auditor, Performance Audits

DATE: May 30, 2001

RE: **Follow-up to Performance Audits:
Fisheries Program
Department of Fish, Wildlife & Parks (98P-02)**

INTRODUCTION

In December 1998, we presented a performance audit of the Fisheries Program to the Legislative Audit Committee. The audit was conducted at the request of the Legislative Audit Committee. The report contained six recommendations to the Department of Fish, Wildlife & Parks (FWP). We requested and received information from the department on their progress in implementing the recommendations.

To complete the audit follow-up, we interviewed department management and staff. We also reviewed legislative changes and other pertinent department documents.

In addition to summarizing the results of our follow-up work, this memorandum presents background on the Fisheries Program and changes that have taken place since the audit.

SUMMARY OF FOLLOW-UP RESULTS

The following table shows the status of recommendations made in our 1998 report.

<u>Recommendation Status</u>	
Implemented	1
Being Implemented	4
Partially Implemented	<u>1</u>
Total	6

BACKGROUND ON THE FISHERIES PROGRAM

The mission of the Fisheries Program is to preserve, maintain, and enhance all aquatic species and their ecosystems to meet the public's demand for recreational opportunities and stewardship of aquatic wildlife.

FOLLOW-UP FINDINGS

The following sections provide the implementation status of each recommendation based on follow-up work performed by the Legislative Audit Division.

Controls Over the Private Pond Program

We found limited controls over the private pond program. The objectives of permitting private ponds are to monitor the fishery resource and ensure unwanted fish or diseases are not stocked into ponds where they can escape to state waters. Current controls do not ensure objectives are met. Biologists cannot inspect private ponds not open to public fishing to ensure the proper species of fish are stocked, structural integrity is still good, etc., without landowner permission.

Prior Recommendation #1

We recommend the Fisheries Division implement additional controls over the private pond program to ensure objectives of the permitting process are met.

This recommendation is partially implemented.

The statutory definition of private ponds was broadened during the 1999 Legislative Session. New application packages were created requesting more information when a person applies for a private pond license. The department is also now working in conjunction with the Department of Natural Resources and Conservation regarding water rights for a pond. The department has not sought legislation to increase controls by allowing biologists to inspect private ponds not open to public fishing.

Stocking Hatchery Fish

Fisheries staff develop a five-year plan to determine what waterbodies hatcheries will stock and with what species of fish. The number of fish allocated in the plan and actually stocked can vary greatly depending on the number of eggs available, the number that actually hatch, and fry that survive until it is time to plant. During the year, regional staff can request a change to the current stocking plan. Documentation is required when regional staff want more fish for a waterbody, want to stock a new pond open to the public for fishing, want to change species or strains of trout in a waterbody, etc. We found there were no policies concerning planting decisions.

Prior Recommendation #2

We recommend Fisheries Division establish and communicate written policies concerning:

- A. The tolerable variance allowed by hatchery managers to increase the fish stocked in a waterbody.*
- B. When a stocking update form is needed.*
- C. Documenting decisions by regional and hatchery staff concerning stocking unallocated fish.*

This recommendation is being implemented.

The department sent a memorandum to the hatchery managers regarding the tolerable variance allowed by hatchery managers to increase the fish stocked in a waterbody. The memorandum also outlines when a Plant Program Update Form is needed. The form must indicate decisions made regarding stocking unallocated fish.

We reviewed a sample of actual fish stockings to determine if a Plant Program Update Form was completed. Eight plantings required a form. We could not find a form for two of the plantings. For this reason, we conclude the recommendation is being implemented.

EAs Required for Some Stockings

If a species of fish is going to be planted in a waterbody which has never had that species before, FWP staff need to complete an environmental assessment (EA). A comment period is provided for public input on the introduction. A copy of the EA is to be sent to Helena, where the administrative assistant logs it in and assigns it a number. The assistant then enters the EA on the state's bulletin board. We found no one tracked EAs to ensure final copies were received in Helena, the comment periods varied, and fish were planted before the end of the comment period.

Prior Recommendation #3

We recommend Fisheries Division:

- A. Track EAs to ensure final copies are received in Helena.*
- B. Require all EAs to go through the regional fisheries managers to ensure EAs are sent to the division.*
- C. Determine a consistent length of time for a comment period on the EAs.*
- D. Do not plant fish until the end of the comment period so comments can be received and reviewed.*

This recommendation is being implemented.

The department established a system to track EAs as they are received from the fisheries managers. The EAs are posted on the department's web site. Staff agreed upon specific time frames for comment periods for EAs and fish are not to be planted until after the comment period.

We sampled ten EAs to ensure the documents were in Helena, the comment period time frames were followed, and fish were planted after the comment period. We found the comment period for one of the ten sampled EAs was shorter than described in the policies. For this reason, we conclude the recommendation is being implemented.

Procedures Needed to Ensure EAs are Written

The purpose of the Future Fisheries Improvement Program is to restore essential habitats for the growth and propagation of wild fish populations in lakes, rivers, and streams through voluntary means. An EA must be completed depending on the type of project. Administrative Rules were approved in 1994 allowing the department to construct specific projects without preparing an EA. During our review of Future Fisheries Improvement Program project files we found an EA

was not written for one project because of a change in the project from what was originally planned.

Prior Recommendation #4

We recommend Fisheries Division implement procedures to identify the need for Environmental Assessments and ensure they are written as needed.

This recommendation is being implemented.

A memorandum was sent to all fisheries managers and biologists stating biologists who successfully obtain funding for Future Fisheries projects should notify program staff of any changes in the project from what was originally proposed so the changes can be evaluated for the need to conduct an Environmental Assessment (EA). Program staff stated since the audit, any changes in projects from the original proposal have not required the need to conduct an EA. While current employees are aware of the policy, division management has not established a mechanism to communicate the policy to employees new to the department. For this reason, we are concluding the recommendation is being implemented.

Coordinate Water Leasing and Habitat Programs with Programs in Other Departments

The 1989 Legislature established the water-leasing program. The purpose of the leasing law is to study the feasibility of leasing existing water rights to enhance instream flows for fisheries. Four of the nine leasing projects involved converting flood irrigation systems to gravity pipeline and sprinkler systems. The Department of Natural Resources and Conservation (DNRC) administers the Renewable Resource Grant and Loan Program (RRG&L) which also funds irrigation systems. Private individuals are eligible for grants and loans for water-related projects through the program. Many of the private loans are for converting from flood irrigation to pivot or sprinkler systems. Fisheries biologists were not aware of the RRG&L Program.

Prior Recommendation #5

We recommend the Fisheries Division formally communicate with:

- A. The field biologists about the Renewable Resource Grant and Loan Program administered by the Department of Natural Resources and Conservation; and,*
- B. The Department of Natural Resources and Conservation concerning proposed water lease projects and applicable habitat projects to determine if the RRG&L Program could be a funding source.*

This recommendation is implemented.

FWP biologists received RRG&L Program applications in 1999 so they are now aware of the program. Water leasing and habitat protection program staff are aware of the RRG&L program also so they can refer project applicants to DNRC.

Workload

FWP developed a vision plan to “. . . meet the challenges anticipated as it enters the 21st century.” The plan outlines goals the department believes reflects areas of emphasis, what the public expects of the department, and what the department expects of itself. One goal of the strategic planning process is to address concerns expressed by biologists relating to workload.

The process is intended to identify priorities, and workplans are to be used to ensure there is time and money needed to address those priorities. Workplans are to be budget-driven. Besides tying the plans to dollars (budget), the plans should also be developed based upon the number of workdays it takes to complete the tasks.

Prior Recommendation #6

We recommend department management:

- A. Incorporate the number of workdays per task into the future workplan development process.*
- B. Revisit the workplans during the year to ensure they are being followed.*

This recommendation is being implemented.

In May 2001 division management is going to visit the regions and help establish workplans for the regional fisheries staff. They will determine if they can incorporate the number of workdays per task into the workplan process.

MZ:I:ADMIN:PERFORM:followup.98P-02.doc/kc